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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 11 April 2002 from the Permanent Mission of Peru to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Peru to the United Nations presents its compliments to the Secretary of the Security Council Committee established pursuant to resolution 1267 (1999) and, in reply to his note of 7 March 2002, has the honour to transmit herewith the report of the Government of Peru on compliance with Security Council resolution 1390 (2002).

02-34433 (E) 240402 250402

Annex to the note verbale dated 11 April 2002 from the Permanent Mission of Peru to the United Nations addressed to the Chairman of the Committee

Report of the Government of Peru on compliance with Security Council resolution 1390 (2002)

Pursuant to Security Council resolution 1390 (2002) on the measures to be imposed by the Member States with respect to all individuals, groups, undertakings and entities associated with Osama Bin Laden referred to in the lists prepared by the Committee established pursuant to resolution 1267 (1999), and taking into account the guidelines established by that Committee, the Government of Peru reports the following:

Introduction

Starting in the early 1980s, Peru was the victim of a serious terrorist phenomenon. The overall result of that scourge was painful, in view of the more than 25,000 deaths that resulted and economic losses amounting to more than $20 billion. The presence of terrorism in our country gave rise to grave domestic insecurity and entailed, in real terms, greater poverty and economic recession.

A few years ago, in response to this domestic problem, Peru developed a juridical framework with a view to confronting the phenomenon of terrorism and achieving the goal of guaranteeing internal security. It must be pointed out, however, that some excesses were also committed by the security forces. Following the restoration of democracy, those excesses are being investigated by the recently created Truth and Reconciliation Commission and by the Office of the Public Prosecutor.

In order to comply with Security Council resolution 1390 (2002), the Government of Peru has forwarded the texts of Security Council resolutions 1267 (1999) and 1333 (2000) and the lists prepared by the Committee to the competent national authorities for follow-up action on the names contained therein and, where applicable, for all appropriate action pursuant to the national regulations in force on dealing with terrorist acts, as indicated in detail below.

Narrative

1. Legislative and administrative measures adopted for freezing the funds and other financial assets or economic resources of individuals, groups, undertakings and entities mentioned in the list referred to in paragraph 2 of Security Council resolution 1390 (2002)

Decree-Law No. 25475, of 5 May 1992, establishes the penalties for terrorist offences and the procedures for investigation, preliminary hearings and trial and, inter alia, prohibits and suppresses the financing of terrorist acts.

Article 4 of the Decree-Law, referring to "acts of collaboration", provides as follows:

> "Anyone who wilfully obtains, collects, gathers or supplies assets or means of any kind or carries out acts of collaboration of any kind facilitating the

commission of offences included in this Decree-Law or the realization of the objectives of a terrorist group is punishable by imprisonment for not less than 20 years."

The Decree-Law also defines the following acts, among others, as acts of collaboration:

"... any kind of aid, mediation or economic action wilfully carried out or provided for the purpose of financing the activities of terrorist groups or elements."

This article applies only to persons who do not belong to the terrorist movement, it being understood that they are considered as belonging to it when they have provided their collaboration repeatedly, in which case the penalty is more severe.

In addition, by Supreme Decree No. 084-2001-RE, published on 6 November 2001, the Government of Peru ratified the International Convention for the Suppression of the Financing of Terrorism.

2. Relevant information concerning funds frozen to date

Up to the present, no accounts or financial assets belonging to the persons or entities mentioned in the relevant lists are known to exist. These lists have been transmitted to the Superintendence of Banking and Insurance and to the Ministry of Economy and Finance for any appropriate preventive action.

3. Measures adopted to prevent the entry into or the transit through Peruvian territory of individuals referred to in the lists mentioned in resolution 1390 (2002)

At border crossing points and places where arrivals in and departures from Peru take place (ports and airports) there are offices of the Directorate of Migration and Naturalization that exercise control over nationals and aliens who enter or leave the country. The related information is coordinated with the subunits of the Judicial Police Directorate of the National Police of Peru, a specialized directorate responsible for, inter alia, the execution of judicial warrants. The object is to apprehend persons who are sought for any reason in order that they may be placed at the disposal of the judicial authorities. In addition, a register is kept of persons wanted by the International Criminal Police Organization (Interpol).

The situation of aliens during their stay in Peru is monitored by another specialized directorate of the National Police of Peru, the Directorate of State Security, through the Aliens Division. In the event that the irregular presence of any alien is detected, steps are taken to make him or her available for expulsion in accordance with the Aliens Act (Legislative Decree No. 703 of 14 November 1991).

These administrative operational mechanisms constitute the normal control procedures. Where the Counter-Terrorism Directorate has a special interest in or suspicions regarding any alien, it coordinates with the competent specialized units and/or directorates and special joint operations are set up to take the necessary action.

The lists referred to above have been transmitted to the Directorate of Migration and Naturalization for appropriate action.

4. All measures adopted to prevent the direct or indirect supply, sale or transfer, to such individuals or entities, of arms and related materiel of all types as well as technical advice, assistance or training related to military activities

Article 4 of Decree-Law No. 25475 defines acts of collaboration as follows:

"Art. 4. Anyone who wilfully obtains, collects, gathers or supplies assets or means of any kind or carries out acts of collaboration of any kind facilitating the commission of offences included in this Decree-Law or the realization of the objectives of a terrorist group is punishable by imprisonment for not less than 20 years. The following constitute acts of collaboration:

"...

"(d) The organization of courses or the conduct of centres for the indoctrination and instruction of terrorist groups, operating under any cover;

"(e) The manufacture, acquisition, possession, theft, storage or supply of arms, ammunition or explosive, asphyxiating, inflammable, toxic or any other type of substances or objects that might cause death or injury. The possession or concealment of arms, ammunition or explosives belonging to the armed forces or the National Police of Peru constitutes an aggravating circumstance;

"(f) Any kind of aid, mediation or economic action wilfully carried out or provided for the purpose of financing the activities of terrorist groups or elements."

Moreover, in Peruvian legislation there exist offences such as the illegal possession of arms, provided for in article 279 of the Penal Code, which establishes penalties for the illegal possession and manufacture of arms, ammunition and explosives; inflammable, asphyxiating or toxic substances; or substances or materials intended for their preparation. The penalty ranges from 6 to 15 years' imprisonment.

In addition, Legislative Decree No. 846, which was promulgated on 20 September 1996, prohibits the free importation and marketing of ammonium nitrate as well as the components which enter into its preparation, in any of their forms or presentations and under any name. The undeclared or illegal possession of ammonium nitrate as well as the components which enter into the preparation of that product and the use thereof for acts of terrorism are liable to criminal charges and punishable, depending on the gravity of the offence, in accordance with Decree-Law No. 25475. The National Police, acting in conjunction with the representative of the Office of the Public Prosecutor, is required to take preventive measures to forestall or report the concealment of ammonium nitrate.

Similarly, Decree-Law No. 25707 (regulated by Legislative Decree 846 of 1996) — declaring the use of explosives for civilian use and other related materials a matter of urgent national concern — was promulgated on 31 August 1992 as part of the country's antisubversive strategy. Its purpose was to increase control measures in the manufacture, marketing, transport, warehousing, use and destruction of explosive devices for civilian use and the inputs that may enter into their manufacture.

Lima, 3 April 2002

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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 16 April 2002 from the Permanent Representative of Thailand to the United Nations addressed to the Chairman of the Committee

The Permanent Representative of Thailand to the United Nations presents his compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and, with reference to the latter's note dated 7 March 2002 providing guidelines to assist States in preparing reports on steps taken to implement resolution 1390 (2002), has the honour to provide the following report pursuant to paragraph 6 of the said resolution, as appears in the attached document (see annex).

02-34415 (E) 230402

Annex to the letter dated 16 April 2002 from the Permanent Representative of Thailand to the United Nations addressed to the Chairman of the Committee

Thailand's implementation report pursuant to paragraph 6 of Security Council resolution 1390 (2002)

Actions Undertaken by the Thai Cabinet

Prior to the Security Council's adoption of Resolution 1390 (2002), the Thai Cabinet had on various occasions instructed all Thai authorities concerned to implement the related Security Council Resolutions on Afghanistan including Resolution 1267 (1999) and Resolution 1333 (2000) and on counter-terrorism in Resolution 1373 (2001).

With regard to Security Council Resolution 1373 (2001), the Thai Cabinet also assigned the Council of State to consider relevant domestic laws and regulations and, if necessary, to propose amendments thereto in order to implement the Resolution in full. These actions can be found in Thailand's implementation report pursuant to Operative Paragraph 6 of Security Council Resolution 1373 (2001) *(Document No. S/2002/10 dated 2 January 2002)* to the Chairman of the Counter-Terrorism Committee (CTC). On 28 March 2002, a meeting was held between the Permanent Representative of Thailand to the United Nations and the members of Sub-Committee C of the CTC to discuss the draft letter to be forwarded to Thailand from the Chairman of the CTC regarding the above-mentioned report.

On 29 January 2002, the Thai Cabinet resolved, pursuant to Security Council Resolution 1390 (2002), to instruct all authorities concerned to comply with the resolution. Thereafter, the Ministry of Foreign Affairs coordinated with the government agencies concerned including the Bank of Thailand, the Ministry of Interior, the Ministry of Finance, the National Security Council, the Ministry of Communications, the Ministry of Defense, Ministry of Commerce, Anti-Money Laundering Office, National Intelligence Agency and the Royal Thai Police to inform them of the cabinet resolution on implementing Resolution 1390 (2002).

Actions With Regard to Specific Paragraphs in the Resolution

The Bank of Thailand has launched an investigation of recorded foreign exchange transactions as well as movements in funds of foreign currency accounts in Thailand and of Thai currency accounts held by individuals residing outside Thailand. From that investigation, it has been discovered that an individual by the name of MAHMOOD, who appears on the list issued by Security Council Committee 1267 on 26 December 2001 (*Document AFG/176, SC/7252)* has since 1 January 1991 engaged in foreign exchange transactions four times involving funds amounting to 226,000 US dollars in total through two commercial banks, namely, Standard Charter and Bangkok Bank Plc. The details of the transactions are as follows:

Date of Transaction	Amount in US Dollars	Equivalent Amount in Thai Bahts	Bank	Source of Funds
13 May 1992	16,000.00	-	Standard Charter	Mohd. Omar Ahmed
24 August 1999	50,000.00	1,911,500.00	Bangkok Bank	Bakur Omar Fallata
2 September 1999	50,000.00	2,323,200.00	Bangkok Bank	Bakur Omar Fallata
18 November 2000	100,000.00	3,922,000.00	Bangkok Bank	Bakur Omar Fallata

Following the said discovery, the Ministry of Foreign Affairs has coordinated with the Bank of Thailand to notify the Anti-Money Laundering Office, which is the key agency empowered to freeze funds of individuals and entities in accordance with its mandate, of the above information with a view to taking the necessary steps.

As stated in Thailand's implementation report on Resolution 1373 (2001) to the CTC, all provincial authorities in border areas have been instructed to be on high alert to detect, monitor and be watchful for any movement of terrorists, in order to safeguard the country against illegal entry. In this connection, the Ministry of Foreign Affairs is coordinating with relevant government agencies involved in immigration matters regarding the list of individuals and entities issued by Security Council Committee 1267.

Prevention of the direct or indirect supply, sale and transfer of arms and related material to individuals or groups mentioned in this resolution is implemented by Thailand under the Weapons Act of 1952 and the Decrees on the Export Control of Armaments and Material of 1992.

As was indicated in Thailand's implementation report on Resolution 1373 (2001) submitted to the CTC, Thailand is strengthening her laws against terrorism. In this regard, draft amendments to the Penal Code and Anti-Money Laundering Act are currently being processed to make terrorist acts a criminal offense.